



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 6, 2008**

Invocation: Pastor Charles Robinson, Tree of Life International Prayer and Praise Center

Mayor Pro Tem Sue Lovell from Houston, TX delivered a proclamation of gratitude for the services of Austin employees who were dispatched to Houston after Hurricane Ike.

Chief Art Acevedo brought Council up-to-date on the shooting incident this morning.

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 6, 2008 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Wynn called the Council Meeting to order at 10:39 a.m.

Announcement of future agenda items from Council:

Council Member Martinez indicated he would bring a resolution to Council on November 20, 2008 authorizing the City Manager to develop a proposal to ban texting while driving and to work with stakeholders and industry leaders on researching the need for a hands free cell phone policy.

Council Member Martinez will be working on a proposed policy that would require a public input process on interlocal agreements with another taxing body that include a zoning case.

Council Member Morrison will be working on a proposed policy that would establish basic rules for future developments with the Health Care District that would be similar to those that exist with the school system.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Martinez' motion, Council Member Shade's second on a 7-0 vote.

1. Approval of the Austin City Council minutes from the October 20, 2008 special called meeting and October 23, 2008 regularly scheduled meeting.
The minutes from the meeting of October 20, 2008 special called meeting and October 23, 2008 regular meeting were approved.
2. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to AIDS Services of Austin for the installation of a solar photovoltaic system at the project located at 7215 Cameron Road, Austin, Texas, 78752. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009

Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

The motion authorizing the issuance of a letter of intent was approved.

3. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to The Brown Distributing Company for the installation of a solar photovoltaic system at the project located at 8711 Johnny Morris Road, Austin, Texas, 78724. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy in the Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

The motion authorizing the issuance of a letter of intent was approved.

4. Approve the issuance of a Letter of Intent for a rebate in the amount of \$98,842.50 to The Overlook at Rob Roy for the installation of a solar photovoltaic system at the project located at 6836 Bee Cave Road, Austin, Texas, 78746. Funding in the amount of \$98,842.50 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

The motion authorizing the issuance of a letter of intent was approved.

5. Approve the issuance of a Letter of Intent for a rebate in the amount of \$100,000 to Trinity Episcopal School for the installation of a solar photovoltaic system at the project located at 3901 Bee Cave Road in Austin, Texas, 78746. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy Conservation Rebates and Incentives Fund. Recommended by the Resource Management Commission.

The motion authorizing the issuance of a letter of intent was approved.

6. Approve an ordinance authorizing acceptance of \$95,000 in grant funds from the State Energy Conservation Office (SECO) and amending the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$95,000 to develop Best Practices for Data Center Energy Efficiency. Funding in the amount of \$95,000 is available from the State Energy Conservation Office (SECO). Austin Energy will fund an in-kind match in the amount of \$74,200, available in the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund. Recommended by the Electric Utility Commission. Related to Item #8.

Ordinance No. 20081106 was approved.

7. Approve the negotiation and execution of a 12-month membership agreement with the ELECTRIC POWER RESEARCH INSTITUTE (EPRI), Palo Alto, CA, for research programs related to electric transportation, generation planning, energy storage and future generation technologies in an amount not to exceed \$570,000, with two 12-month extension options in an amount not to exceed \$200,000 per extension option, for a total agreement amount not to exceed \$970,000. Funding in the amount of \$570,000 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. Funding for extension options is contingent upon available funding in future budgets. Recommended by the Electric Utility Commission.

The motion authorizing the negotiation and execution of a membership agreement with the Electric Power Research Institute (EPRI) was approved.

8. Authorize negotiation and execution of an Interlocal Agreement between the State of Texas Energy Conservation Office (SECO) and Austin Energy for grant funding in the amount of \$95,000 to develop Best Practices for Data Center Energy Efficiency. Funding in the amount of \$95,000 is available from the State of Texas Energy Conservation Office (SECO). Austin Energy will fund an in-kind match in the amount of \$74,200, available in the Fiscal Year 2008-2009 Austin Energy Operating Budget Special Revenue Fund. Recommended by the Electric Utility Commission. Related to Item #6.

The motion authorizing the negotiation and execution of an interlocal agreement between the State of Texas Energy Conservation Office (SECO) and Austin Energy for grant funding was approved.

9. Approve negotiation and execution of a contract with SR Development Inc., a Texas corporation, for a 2.85 acre property owned by SR Development, Inc. and located on Old Heine Farm Road in exchange for property owned by Austin Energy consisting of a 28.89 acre tract that is a portion of the Linda Vista Subdivision and the adjacent 3.03 acres located on FM 973 (collectively referred to as the Linda Vista Properties). Austin Energy will receive the net difference between the respective property values at closing after subtracting all closing costs. Recommended by the Electric Utility Commission.
The motion authorizing the negotiation and execution of a contract with SR Development Inc. was approved.
10. Approve negotiation and execution of a Renewal to and Eighth Amendment of the City of Austin's Interlocal Agreement with the Travis County Healthcare District (District) to fund the continued operation by City of the community health centers and of the District's medical assistance program for a five-month term, beginning October 1, 2008, and to adjust the District's monthly payment obligations. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Community Care Services Department.
This item was postponed indefinitely and withdrawn from the agenda.
11. Authorize execution of a construction contract through the CPA COOPERATIVE PURCHASING PROGRAM (TXMAS) with JAMAIL & SMITH CONSTRUCTION, Austin, TX, for site grading and irrigation system at Zilker Park in the amount of \$844,100.76. Funding is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. However, the contract included 60.48% WBE subcontractor participation.
The motion authorizing the execution of a construction contract through the CPA Cooperative Purchasing Program (TXMAS) with Jamail & Smith Construction was approved.
12. Authorize negotiation and execution of a professional services agreement with ACR ENGINEERING, INC., Austin, TX for professional engineering commissioning service for Austin Energy's new Energy Control Center project, in an amount not to exceed \$500,000. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Best qualification statement of six (6) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
The motion authorizing the negotiation and execution of a professional services agreement with ACR Engineering, Inc. was approved.
13. Authorize negotiation and execution of professional service agreements with the following 24 firms: HDR ENGINEERING, INC., Austin, TX; URS CORPORATION, Austin, TX; FREESE & NICHOLS, INC., Austin, TX; HALFF ASSOCIATES, INC., Austin, TX; PBS&J, Austin, TX; MALCOLM PIRNIE, INC., Austin, TX; LOCKWOOD ANDREWS & NEWNAM, INC, Austin, TX; PARSONS WATER & INFRASTRUCTURE, INC., Austin, TX; K FRIESE & ASSOCIATES, INC., Austin, TX (WBE/FW); MWM DESIGNGROUP, INC. , Austin, TX (WBE/FH); RAYMOND CHAN & ASSOCIATES, INC., Austin, TX (MBE/MA); ESPEY CONSULTANTS, INC., Austin, TX; URBAN DESIGN GROUP, Austin, TX (WBE/FW); HNTB CORPORATION, Austin, TX; DAVCAR ENGINEERING SERVICES, Austin, TX (MBE/MH); KLOTZ ASSOCIATES, Austin, TX; KURKJIAN ENGINEERING CORP.,

Austin, TX (WBE/FH); OTHON, INC., Houston, TX; EARTH TECH, INC., Austin, TX; BAKER-AICKLEN & ASSOCIATES, INC., Austin, TX; HVJ ASSOCIATES, INC., Austin, TX (MBE/MB); WESTON SOLUTIONS, Austin, TX; ALAN PLUMMER & ASSOCIATES, Austin, TX and; ENCOTECH ENGINEERING CONSULTANTS, INC., Austin, TX (MBE/MA), Austin, TX for the general civil engineering services rotation list for a period of two years or until financial authorization is expended with a total of the 24 agreements in an amount not to exceed \$14,400,000. Funding in the amount of \$14,400,000 is available in the Fiscal Year 2008-2009 Capital budgets and/or Operating budgets of the various departments for which services are needed. Best qualification statements of sixty-six (66) statements received. These contracts will be awarded in compliance with Chapter 2-9B of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program) by meeting the goals with 16.50% MBE and 14.20% WBE subcontractor participation.

The motion authorizing the negotiation and execution of professional service agreements with the following 24 firms: HDR Engineering, Inc.; URS Corporation; Freese & Nichols, Inc.; Halff Associates, Inc.; PBS&J; Malcolm Pirnie, Inc.; Lockwood Andrews & Newnam, Inc.; Parsons Water & Infrastructure, Inc.; K Friese & Associates, Inc.; MWM Designgroup, Inc.; Raymond Chan & Associates, Inc.; Espey Consultants, Inc.; Urban Design Group; HNTB Corporation; Davcar Engineering Services; Klotz Associates; Kurkjian Engineering Corp.; Othon, Inc; Earth Tech, Inc; Baker-Aicklen & Associates, Inc.; HVJ Associates, Inc.; Weston Solutions; Alan Plummer & Associates; and Encotech Engineering Consultants, Inc. was approved.

14. Authorize negotiation and execution of a professional services agreement with one of the following firms: BARNES GROMATZKY KOSAREK ARCHITECTS AND TANIGUCHI WITH HOLZMAN MOSS Joint Venture, Austin, TX (staff recommendation); PAGE SOUTHERLAND PAGE / PATKAU ARCHITECTS Joint Venture, Austin, TX; LAKE / FLATO ARCHITECTS AND SHEPLEY BULFINCH RICHARDSON & ABBOTT Joint Venture, San Antonio, TX to provide architectural services for the New Central Library in an amount not to exceed \$7,200,000. Funding in the amount of \$7,200,000 is available in the Fiscal Year 2008-2009 Capital Budget of the Library Department. Best qualification statement of 22 statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 22.40% MBE and 14.30% WBE subconsultant participation.
This item was postponed to December 11, 2008.

15. Authorize negotiation and execution of an amendment to the professional services agreement with THE BROUSSARD GROUP, INC., DBA TBG Partners, a Texas corporation, Austin, Texas for Design Services for the redevelopment of Auditorium Shores in the amount of \$402,930 for a total authorization amount not to exceed \$2,100,242. Funding in the amount of \$402,930 is available in the Fiscal Year 2008-2009 Capital Budget of the Parks and Recreation Department. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 20.35% MBE and 20.35% WBE subcontractor participation to date.

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with the Broussard Group, Inc. doing business as TBG Partners was approved.

16. Authorize execution of a 12-month Economic Development Agreement with ATI-BIOSCIENCE, a division of the Austin Technology Incubator, a project of the University of Texas-Austin, in an amount not to exceed \$125,000, to provide strategic business consulting services to Austin high technology startups to foster economic development and job creation. Funding is available in the amount of \$125,000 in the Fiscal Year 2008-2009 Operating Budget of the Economic Growth and Redevelopment Services Office.

The motion authorizing the execution of an economic development agreement with ATI-Bioscience was approved.

17. Authorize execution of a 12-month Economic Development Agreement with ATI-WIRELESS, a division of the Austin Technology Incubator, a project of the University of Texas-Austin, in an amount not to exceed \$200,000, to provide strategic business consulting services to Austin high technology startups to foster economic development and job creation. Funding is available in the amount of \$200,000 in the Fiscal Year 2008-2009 Operating Budget of the Economic Growth and Redevelopment Services Office. **The motion authorizing the execution of an economic development agreement with ATI-Wireless was approved.**

Items 18 and 19 were pulled for discussion.

20. Authorize negotiation and execution of an amendment to an outside counsel contract with Renea Hicks, for legal services related to City of Austin v. Harry M. Whittington, et al.; Cause No. 03-07-00729-CV in the in the Court of Appeals for the Third District of Texas, in an amount of \$27,000, for a total contract amount not to exceed \$82,000 (concerns the City's condemnation of Block 38 in downtown Austin). Funding in the amount of \$13,500 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Convention Center, and funding in the amount of \$13,500 is available in the Fiscal Year 2008-2009 Operating Budget of Austin Energy. **The motion authorizing the negotiation and execution of an amendment to an outside counsel contract was approved.**

Item 21 was pulled for discussion.

22. Approve an ordinance authorizing the acceptance of \$7,500 in grant funds from the Summerlee Foundation for a total grant amount of \$7,500 to assist in the acquisition of the Governor Elisha Marshall Pease Collection, 1834-1890's archival papers; and amending the Fiscal Year 2008-2009 Library Department Operating Budget Special Revenue Fund of Ordinance No. 20080908-002 to appropriate \$7,500. Funding is available from the Summerlee Foundation. The grant period is October 1, 2008 through September 30, 2009. **Ordinance No. 20081106-022 was approved.**
23. Consider and set the Austin City Council meeting schedule for calendar year 2009. **The motion setting the Austin City Council meeting schedule for calendar year 2009 was approved.**

Item 24 was pulled for discussion.

25. Authorize payment of the City's annual membership dues in the Austin-San Antonio Intermunicipal Commuter Rail District, in an amount not to exceed \$49,500. Funding is available in the Fiscal Year 2008-2009 Operating Budget of the Neighborhood Planning and Zoning Department. **The motion authorizing the payment of the City's annual membership dues in the Austin-San Antonio Intermunicipal Commuter Rail District was approved.**
26. Approve third reading of an ordinance adopting an interim update to the Austin Tomorrow Comprehensive Plan. Recommended by Planning Commission. **Ordinance No. 20081106-026 was approved.**
27. Approve an ordinance amending the Fiscal Year 2008-2009 Parks and Recreation Department Capital Budget of Ordinance No. 20080908-003 to increase appropriations by \$900,000 for the final design phase of the Town Lake Park Project, for a total appropriation of \$10,100,000. Funding in the amount of \$900,000 is in the Town Lake Park Venue Project Fund. **Ordinance No. 20081106-027 was approved.**

28. Approve an ordinance naming the approximately 0.6 acres of parkland located at 2200 Veterans Drive as "Veterans Park" and waiving any applicable requirements of Chapter 14-1 of the City Code. Recommended by Parks and Recreation Board.
Ordinance No. 20081106-028 was approved.
29. Approve the execution of an Interlocal Agreement with Travis County for jointly occupied lease space at Austin State Hospital for the period October 1, 2008 through August 31, 2010, subject to the parties' right to terminate with five (5) one-year extension options in an amount not to exceed \$26,372 for the initial renewal term and \$13,186 per year for each successive option period for a total not to exceed amount of \$92,302 for the renewal term and extension options. Funding is included in the Fiscal Year 2008-2009 Operating Budget for the Police Department. Funding for the remaining lease term periods is contingent upon available funding in future budgets.
The motion authorizing the execution of an interlocal agreement with Travis County was approved.
30. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by E. Oltorf Street, S. Congress Avenue, Woodward Street, and I.H. 35 (South) West Frontage Road. Funding in the amount of \$2,700 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20081106-030 was approved.
31. Approve an ordinance amending Section 12-4-64(D) of the City Code to establish a maximum speed limit of 25 miles per hour on certain streets within the area bounded by William Cannon Drive, Pleasant Valley Road, and Onion Creek District Park. Funding in the amount of \$5,250 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department for installation of necessary signs.
Ordinance No. 20081106-031 was approved.
32. Approve an ordinance amending Section 12-4-64(D) of the City Code to add a portion of Avenue B to the list of streets having a maximum speed limit of 20 miles per hour during certain times for students attending the University of Texas Charter School; and provide for emergency passage. Funding in the amount of \$400 for the installation of signs is available in the Fiscal Year 2008-2009 Child Safety Fund of the Public Works Department.
Ordinance No. 20081106-032 was approved.
33. Authorize award, negotiation, and execution of a 12-month requirements service contract with ACCENTURE LLP, Austin, TX, to provide Lean training and consultation services to the Austin Water Utility in an estimated amount not to exceed \$199,950, with one 12-month extension option in an estimated amount not to exceed \$200,000, for a total estimated contract amount not to exceed \$399,950. Funding in the amount of \$199,950 is available in the Fiscal Year 2008-2009 Operating Budget of the Austin Water Utility. Funding for the extension option is contingent upon available funding in future budgets. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award, negotiation and execution of a requirements service contract with Accenture LLP was approved.
34. Authorize award, negotiation, and execution of a contract with HPI, LLC., Houston, TX for an upgrade of the gas turbine controls at the Decker Creek Power Station in an amount not to exceed \$1,597,769. Funding in the amount of \$1,597,769 is available in the Fiscal Year 2008-2009 Capital Budget of Austin

Energy. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

This item was postponed to November 20, 2008.

35. Authorize award and execution of a 12-month requirements supply contract with ENGINEERED ENDEAVORS INC., Mentor, OH for substation structural steel in an estimated amount not to exceed \$925,995, with four 12-month extension options in an estimated amount not to exceed \$925,995 per extension option, for a total estimated contract amount not to exceed \$4,629,975. Funding in the amount of \$925,995 is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Funding for the extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with Engineered Endeavors Inc. was approved.
36. Authorize award and execution of a contract with SQUARE D COMPANY, Houston, TX for the purchase and installation of a 5kV arc-resistant switchgear for Austin Energy in an amount not to exceed \$254,217. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Sole bid. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a contract with Square D Company was approved.
37. Authorize award and execution of a contract with KBS ELECTRICAL DISTRIBUTORS, INC., Austin, TX for the purchase of 167kVa distribution transformers in an amount not to exceed \$62,700. Funding is available in the Fiscal Year 2008-2009 Capital Budget of Austin Energy. Lowest bid of three bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a contract with KBS Electrical Distributors, Inc. was approved.
38. Authorize award and execution of a 36-month requirements supply contract with MILLER UNIFORMS & EMBLEMS INC., Austin, TX for the purchase of safety jackets in an estimated amount not to exceed \$457,947, with three 12-month extension options in an estimated amount not to exceed \$152,649 per extension option, for a total estimated contract amount not to exceed \$915,894. Funding in the amount of \$94,050 is available in the Fiscal Year 2008-2009 Operating Budget for Austin Police Department. Funding in the amount of \$45,881 is available in the Fiscal Year 2008-2009 Operating Budget for Emergency Medical Services Department. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No Subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with Miller Uniforms & Emblems Inc. was approved.

39. Authorize award and execution of a 10-month requirements service contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with GOVDEALS, INC., Montgomery, AL for auction services in an estimated amount not to exceed \$48,886, with two 12-month extension options in an estimated amount not to exceed \$58,663 for each extension option, for a total estimated contract amount not to exceed \$166,212. Funding in the amount of \$47,323 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding in the amount of \$1,563 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Materials Management. Funding for the extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Govdeals, Inc. was approved.
40. Authorize award and execution of a 36-month requirements service contract with RIATA FORD, Manor, TX, for repair services for Ford light duty vehicles in an estimated amount not to exceed \$315,250, with three 12-month extension options in estimated amounts not to exceed \$115,763 for the first extension option, \$121,551 for the second extension option, and \$127,630 for the third extension option, for a total estimated contract amount not to exceed \$680,194. Funding in the amount of \$100,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 24 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements service contract with Riata Ford was approved.
41. Authorize award and execution of a contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with SIDDONS FIRE APPARATUS, INC., Houston, TX, for the purchase of five pumper trucks in an amount not to exceed \$2,061,500. Funding in the amount of \$2,061,500 is available in the Fiscal Year 2008-2009 Vehicle Acquisition Fund. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority -Owned and Woman-Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (Buyboard) with Siddons Fire Apparatus, Inc. was approved.
42. Authorize award and execution of a 36-month requirements supply contract with MWI VETERINARY SUPPLY, Meridian, ID for the purchase of veterinary supplies in an estimated amount not to exceed \$660,000, with three 12-month extension options in estimated amounts not to exceed \$260,000 for first extension option, \$280,000 for the second extension option, and \$300,000 for the third extension option, for a total estimated contract amount not to exceed \$1,500,000. Funding in the amount of \$167,000 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department. Funding for the remaining 25 months of the original contract and the extension options is contingent upon available funding in future budgets. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned

Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of a requirements supply contract with MWI Veterinary Supply was approved.

43. Authorize award and execution of a 12-month requirements service contract with ST. DAVID'S HEALTH & FITNESS CENTER, Austin, TX for HealthPLUS health screenings and follow up seminars in an estimated amount not to exceed \$67,500, with two 12-month extension options in an estimated amount not to exceed \$67,500 per extension option, for a total estimated contract amount not to exceed \$202,500. Funding in the amount of \$61,875 is included in the Fiscal Year 2008-2009 Operating Budget of the Human Resources Department. Funding for the remaining one month of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
This item was withdrawn.

44. Authorize award and execution of a 36-month requirements supply contract with GORDON'S SPECIALTIES, INC., dba GSI HIGHWAY PRODUCTS, Hutchins, TX, for the purchase of metal beam guard railing in an estimated amount not to exceed \$278,526, with three 12-month extension options in an estimated amount not to exceed \$114,150 per extension option, for a total estimated contract amount not to exceed \$620,976. Funding in the amount of \$66,968 is available in the Fiscal Year 2008-2009 Operating Budget of the Public Works Department. Funding for the remaining 25 months of the original contract period and extension options is contingent upon available funding in future budgets. Sole bid received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract with Gordon's Specialties, Inc., doing business as GSI Highway Products was approved.

45. Approve a resolution establishing a policy and general criteria under which the City Council will consider requests to create public improvement districts.
This item was postponed to November 20, 2008.
46. Approve appointments to citizen board and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
There were no appointments.

Items 47 and 48 were pulled for discussion.

49. Approve a resolution requesting that the City Manager identify City real property suitable for single family affordable housing opportunities, and direct the Neighborhood Housing and Community Development Department to notify non-profit and for profit residential developers of the availability of General Obligation Affordable Housing Bond proceeds for assistance in developing single family structures for affordable housing. (Council Member Mike Martinez, Council Member Randi Shade and Council Member Laura Morrison)
Resolution No. 20081106-049 was approved.
50. Approve a resolution directing the City Manager to process amendments to Title 25 of the City Code to change the period of time for which site plans are valid to five years from the date of approval and requesting both the Planning Commission and the Zoning and Platting Commission to provide

recommendations to Council on the proposed amendments. (Mayor Pro Tem Brewster McCracken, Council Member Randi Shade and Council Member Sheryl Cole)

This item was postponed to December 11, 2008.

51. Approve waiver of fees under Chapter 14-8 of the City Code, and authorize payment of certain costs for the Travis County Veterans Service Office 2008 Veteran's Day Parade to be held on November 11, 2008. (Council Member Lee Leffingwell, Mayor Will Wynn and Council Member Mike Martinez)
The motion to waive the fees and authorize the payment of certain costs for the Travis County Veterans Service Office's 2008 Veteran's Day Parade was approved.
52. Set a public hearing to receive public comment regarding the proposed fifth modification to the Urban Renewal Plan for the East 11th and 12th Streets Urban Renewal Area. July 21, 2008, Urban Renewal Board approved a recommendation on the proposed modifications regarding the 900 Blk of East 11th Street (Blk 16) and 1425 East 12th Street; August 18, 2008 Urban Renewal Board approved a recommendation on the proposed modifications regarding the 1100 Blk of East 11th Street (Blk 18); September 23, 2008, Planning Commission approved a recommendation on the proposed modifications regarding 900 Blk of East 11th Street (Blk 16) and 1100 Blk of East 11th Street (Blk 18); October 14, 2008, Planning Commission approved a recommendation on the proposed modifications regarding 1425 East 12th Street. (Suggested date and time: November 20, 2008, 6:00 PM at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for November 20, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
53. Set a public hearing to consider an ordinance regarding floodplain variances requested by Mr. and Mrs. Carmelo Macias to allow construction of a single-family residence at 10017 Wild Dunes Drive in the 100-year floodplain of Onion Creek with proposed finished floor elevation being one foot above the 100 year floodplain elevation and limiting the requirement to dedicate a drainage easement to the full limit of the 100-year floodplain by excluding the footprint of the proposed structure (only) from the easement dedication requirement. (Suggested date and time: November 20, 2008, 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).
The public hearing was set for November 20, 2008 at 6:00 p.m., Austin City Hall at 301 W. Second Street, Austin, TX.
97. Approve an ordinance granting a waiver of the application fee for a license agreement under City Code Section 14-11-1(B)(1) for the maintenance of two medians located the south intersection of Boulder Lane and RM 620, in an amount not to exceed \$425. (Council Member Laura Morrison Council Member Sheryl Cole)
Ordinance No. 20081106-097 was approved.
98. Approve a waiver of certain park rental fees under Chapter 14-8 of the City Code for the East Austin Lion's Club Veteran's Day Ceremony to be held on November 8, 2008 at the Mexican American Cultural Center. (Council Member Mike Martinez Council Member Lee Leffingwell Council Member Randi Shade)
The motion authorizing a waiver of certain park rental fees for the East Austin Lion Club's Veteran's Day Ceremony was approved.

Items 54 through 57 were Executive Session items.

Items 58 and 59 were briefing item set for 2:00 p.m.

Items 60 through 95 were zoning items set for 4:00 p.m.

Item 96 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

21. Approve settlement in Cause No. A-07-CA-944LY; Ethel Washington, Individually and as heir to the Estate of Kevin Brown, and as Next Friend of A.P.B., and Freddie Brown, Individually and as heir to the Estate of Kevin Brown v. Michael Olsen in his individual capacity and The City of Austin, U.S. District Court, Western District, Austin Division.
The motion authorizing the settlement in Cause No. A-07-CA-944LY in amount of \$1M was approved on Council Member Cole's motion, Council Member Martinez' second on a 7-0 vote.
47. Approve an ordinance adding a new Chapter 6-7 to the City Code relating to energy conservation audit and disclosure requirements, incorporating recommendations from the Energy Efficiency Retrofits Task Force, to become effective June 1, 2009. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Laura Morrison)
Ordinance No. 20081106-047 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.
48. Approve a resolution adopting energy conservation performance measures and participation targets, incorporating recommendations from the Energy Efficiency Retrofits Task Force. (Mayor Will Wynn, Council Member Lee Leffingwell and Council Member Laura Morrison)
Resolution No. 20081106-048 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 11:43 a.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Items 54 and 55 were discussed later in Executive Session.

56. Discuss legal issues regarding Hutchinson Construction, Inc. v. City of Austin, Cause No. D-1-GN-07-002807, in connection with the construction of the Henry B. Terrazas Library and Circle C Fire & EMS Station Projects. (Private Consultation with Attorney - Section 551.071).

Item 57 was discussed later in Executive Session.

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 12:02 a.m.

CITIZEN COMMUNICATION: GENERAL

Pat Johnson -- Citizens under attack

Francoise Luca -- Braker Lane

Richard Troxell -- Homelessness in Austin

Linda Messier -- The 1210 West Braker Lane re-zoning

Walt Esquivel -- TCHD Clinic Proposed for the 1210 West Braker Lane- Against

Paul Robbins -- City Issues

Jim Jackson -- Indigent Health Care. He was not present when his name was called.

Monica O. Nwevo -- The treatment the minority group take to make my life miserable since 1999 I have been living here. My life is being threatened. Council directed staff to talk to Ms. Nwevo to see if the City could provide any assistance.

Dan McHargue -- Park side Community HOA Violation; water conservation best practice and zero scape compliance. Staff was directed to give Council a status report on current laws concerning water conservation measures and whether homeowner association rules or the City ordinances prevail and what legislative changes would be needed to give cities the authority to pass water conservation measures.

Gus Pena – TBA.

Mayor Wynn recessed the Council Meeting to go into Executive Session at 12:43 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

The Mayor announced Council discussed agenda items number 18 and 19 on the regular agenda during Executive Session.

54. Discuss legal issues relating to the Collective Bargaining negotiations with the Austin Firefighters Association. (Private Consultation with Attorney - Section 551.071).
55. Discuss legal issues related to the city council's authority and responsibilities regarding the position of Deputy City Clerk. (Private Consultation with Attorney - Section 551.071).
57. Discuss legal issues relating to proposed legislation creating a "meet and confer" process for the City's non-Civil Service employees. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Wynn called the Council Meeting back to order at 3:10 p.m.

DISCUSSION ITEMS CONTINUED

18. Authorize negotiation and execution of an Automatic Aid Agreement between the City of Austin and Travis County Emergency Service District 6 in order to provide additional fire protection and emergency service response resources for City and County areas adjacent to or near the Four Points intersection of RM 620 and RM 2222, for an initial term of one year beginning November 15, 2008, with up to four additional one-year renewal options. No funding is required.

The motion authorizing the negotiation and execution of an automatic aid agreement between the City of Austin and Travis County Emergency Service District 6 was approved on Council Member Cole's motion, Council Member Martinez' second on a 5-0 vote. Council Members Morrison and Shade were off the dais.

19. Authorize the execution of an Interlocal Agreement for Automatic Aid Assistance between the City of Austin and Travis County Emergency Service District Number 9 (TCESD# 9), under which TCESD# 9 will provide First Responder fire protection and emergency service response to certain areas of the City of Austin beginning January 1, 2009, for an annual amount not-to-exceed \$812,500 with nine one-year renewal options in an annual amount not to exceed \$1,421,865. Funding for the initial one-year term (calendar year 2009) and renewal terms is contingent upon available funding in future budgets. Related to Item #24.

The motion authorizing the execution of an interlocal agreement between the City of Austin and Travis County Emergency Service District Number 9 (TCESD# 9) was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

24. Approve an ordinance agreeing to the arbitrator's decision and approving a Service Plan for the Peninsula Annexation Area. Funding necessary to provide general governmental services to this tract is available in the budgets of the departments which will be providing the services. Related to Item #19.

Ordinance No. 20081106-024 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

BRIEFINGS

58. Briefing on Resolution 20071018-038, a Council request for staff evaluation of the City's practices, capabilities, and available resources for review and inspection of construction-phase erosion and sedimentation controls, inspection of water quality ponds, and enforcement of maintenance requirements. The presentation was made by Nancy McClintock, Assistant Director of Watershed Protection and Development Review. Staff was asked to consider ways to get residential ponds inspected and maintained rather than the City doing the work.

59. Briefing on Capital Area Metropolitan Planning Organization (CAMPO) Transit Working Group (TWG) Urban Rail Submittal.

The presentation was made by Jim Robertson, Manager, Development Services for Neighborhood Planning and Zoning Department, and Rob Spillar, Transportation Director, Public Works Department. Staff was asked to coordinate major construction jobs with the rail line construction. For example, if a water line is installed, ensure it does not have to be relocated when the rail is constructed. Staff was asked to consider the creation of TIF zones to help fund some of the construction costs for the rail line and to use funds from the enterprise department's CIP where appropriate.

Mayor Wynn recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:52 p.m. See separate minutes.

Mayor Wynn called the Council Meeting back to order at 4:58 p.m.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 7-0 vote.

60. C14-2008-0116 - Radam Lane - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 608 and 610 Radam Lane (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general office-conditional overlay (GO-CO) combining district zoning. First reading approved on September 25, 2008. Vote: 7-0. Applicant: Susan Bushong and Tim O'Leary. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.
Ordinance No. 20081106-060 for general office-conditional overlay (GO-CO) combining district zoning was approved.
61. C14-2007-0232 - Rundberg Business Park - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 320 E. Rundberg Lane (Little Walnut Creek Watershed) from multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 1; and multi-family residence-medium density (MF-3) district zoning, limited office (LO) district zoning, and community commercial (GR) district zoning for Tract 2 to warehouse-limited office-conditional overlay (W/LO-CO) combining district zoning for Tract 1, and general commercial services-conditional overlay (CS-CO) combining district zoning for Tract 2. First reading approved on August 28, 2008. Vote: 7-0. Applicant: Rundberg Business Park (John Dimeblid). Agent: Thrower Design (Ron Thrower). City Staff: Jorge E. Rousselin, 974-2975.
This item was postponed to December 18, 2008 at the applicant's request.
74. C14-2008-0044.001 - Windsor Park Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations 5701 Cameron Road and 1200 Ridgehaven Drive within the Windsor Park Neighborhood Planning Area (Tannehill Branch; Fort Branch Watersheds) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to limited office-mixed use-vertical mixed use building-neighborhood plan (LO-MU-V-NP) combining district zoning. Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude 5701 Cameron Road and 1200 Ridgehaven Drive from the overlay district. First Reading approved on October 2, 2008. Vote: 5-0 (McCracken and Shade-off the dais). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Minal Bhakta, 974-6453.
Ordinance No. 20081106-074 was approved.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Mayor Pro Tem McCracken's motion, Council Member Morrison's second on a 6-0 vote. Council Member Shade was off the dais.

- 77PH. NPA-2008-0016.02 - Govalle/Johnston Terrace Combined Vertical Mixed Use Neighborhood Plan Amendment, Tract 9B - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Austin Comprehensive Plan, to change the land use designation on the Future Land Use Map from commercial to mixed use on Tract 9B (720 Airport Boulevard) within the Vertical Mixed Use Overlay district within the

area bounded by the Austin and Northwestern Railroad on the north; U.S. 183 on the east; the Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (Colorado River watershed). Planning Commission Recommendation: To approve a mixed use land use designation on the Future Land Use Map. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

This item was postponed to November 20, 2008 at the staff's request.

- 78 PH. C14-2007-0259.001 - Govalle/Johnston Terrace Combined Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process, Tract 9B - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to Tract 9B (720 Airport Boulevard) within the Govalle/Johnston Terrace Combined Neighborhood Planning Area (Colorado River watershed). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties located at 720 Airport Boulevard from the overlay district. Planning Commission Recommendation: To apply Vertical Mixed Use Building (V) zoning regulations. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

This item was postponed to November 20, 2008 at the staff's request.

- 79 PH. C14-2008-0186 - LaBare Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1501 West Wells Branch Parkway (Harris Branch and Walnut Creek Watersheds) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Planning Commission Recommendation: To deny commercial-liquor sales (CS-1) district zoning. Applicant: Sweet Inns L.P. (Jody Sweetin). Agent: DAVCAR Engineering (Jim Herbert). City Staff: Stephen Rye, 974-7604.

This item was withdrawn.

- 80 PH. C14-2008-0151 - Bary Chiropractic - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11777 Jollyville Road (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To deny commercial-mixed use (GR-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny limited office-mixed use (LO-MU) combining district zoning. Applicant: Bary Chiropractic (Garrett Barry). City Staff: Stephen Rye, 974-7604.

This item was postponed to December 18, 2008 at the neighbor's request.

- 81 PH. NPA-2008-0015.02 - 3617 Axel Lane - Conduct a public hearing and approve an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the Future Land Use Map (FLUM) from industrial to single-family for the property located at 3617 Axel Lane (Fort Branch Watershed). Staff Recommendation: To deny single-family use designation. Planning Commission Recommendation: To be reviewed on November 25, 2008. Applicant and Agent: Kevin Ludlow. City Staff: Dee Dee Quinnelly, 974-2976.

This item was postponed to December 18, 2008 at the staff's request.

- 82 PH. C14-2008-0154 - 3617 Axel Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3617 Axel Lane (Fort Branch Watershed) from industrial park (IP) district zoning to family residence-neighborhood plan (SF-3-

NP) combining district zoning. Staff Recommendation: To deny family residence-neighborhood plan (SF-3-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on November 25, 2008. Applicant and Agent: Kevin Ludlow. City Staff: Joi Harden, 974-2122.

This item was postponed to December 18, 2008 at the staff's request.

- 83 PH. C14-2008-0198 - Domain II - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3200-3298 Block of Feathergrass Court (Walnut and Shoal Creek Watersheds) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Applicant: Multeck Community Center (Kathy Shields). Agent: Drenner & Golden, Stuart, Wolff, LLP (Michele Haussman). City Staff: Clark Patterson, 974-7691.

Ordinance No. 20081106-083 for major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning was approved.

- 84 PH. C14-2007-0108 - Camden North Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5300, 5304 & 5400 North Lamar Blvd. (Waller Creek Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to change a condition of zoning. Applicant: 5400 Lamar Ltd. (Abe Zimmerman). Agent: Drenner and Golden, Stuart, Wolff, LLP (Michele Rogerson). City Staff: Clark Patterson, 974-7691.

This item was postponed to November 20, 2008 at the applicant's request.

- 85 PH. C14-2008-0142 - 6800 Manchaca - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6800 Manchaca (Williamson Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1; and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Applicant: James W. Watters, Jr. Agent: Garrett-Ihnen-Civil Engineers (Michael W. Wilson). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to November 20, 2008 at the neighborhood's request.

- 86 PH. C14-2008-0187 - Burr - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1201 West Slaughter Lane (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO)

combining district zoning. Applicant: William Burr. Agent: Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

Ordinance No. 20081106-086 for neighborhood commercial-conditional overlay (LR-CO) combining district zoning was approved.

Mayor Wynn recessed the Council Meeting at 5:29 p.m.

LIVE MUSIC

M.O.V.E. - Music Outreach Volunteer Entertainers

PROCLAMATIONS

ZONING DISCUSSION ITEMS

Mayor Wynn called the Council Meeting back to order at 6:34 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

96 PH. Conduct a public hearing and consider an appeal by Helen and Charles Heard, Niyanta and Bill Spelman, and John Mayfield of an administrative site plan (SP-2007-0321C) for a proposed religious assembly/education building for the Hyde Park Baptist Church located at 3901 Speedway.

This item was postponed to May 3, 2009 on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

62. C14-2008-0030 - Lamar Blvd./Justin Lane Station Area Plan - Approve second/third readings of an ordinance adopting the Lamar Blvd./Justin Lane Station Area Plan and TOD base district zoning for all properties within the boundaries of the Lamar Blvd./Justin Lane Station Area, generally bounded by Morrow Street on the north; Guadalupe Street, Burns Street and the back property line of properties along Lamar Blvd. on the east; Denson Drive and just north of Romeria Drive on the south; and Wild Street, the Northwest and Austin Railroad, and Ryan Drive on the west. First reading approved on April 24, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance to adopt the Station Area Plan and transit oriented development (TOD) district zoning, with the following major elements, was approved on Mayor Pro Tem McCracken's motion, Mayor Wynn's second on a 7-0 vote.

The elements were as follows:

A. Zoning, development bonuses, and urban design regulations

- A regulating plan that establishes site development and urban design standards for properties within the TOD

B. Infrastructure

- A recommendation to implement short-term drainage improvements and water/wastewater upgrades in and around the TOD
- A recommendation to implement short-term and evaluate long-term improvements to the Lamar/Airport intersection
- Recommendations to improve east-west mobility across Lamar (evaluation of east to west access on Morrow and Anderson Lane corridor study)

- A recommendation to utilize traffic calming on new public connector streets in the TOD and annually monitor traffic patterns around the TOD.

C. Parks and open space

- A park acquisition strategy that supports the provision of on-site land dedication as properties in the TOD redevelop, the use of fees-in-lieu to construct park facilities and/or acquire parkland, and proactively engaging in parkland acquisition (the AE site is a prime candidate for both open space and affordable housing when redeveloped). Council Member McCracken's motion added these elements:
 - The parkland dedication fee must be spent within the Station Area Plan unless staff seeks a Council waiver;
 - The parkland and trail acquisition plan must be prepared before the third reading;
 - At least one park in the Station Area Plan must have family and children's amenities such as playscapes and these should be included in the trail and parkland acquisition plan.

D. Affordable housing and development bonuses

- A development bonus strategy intended to achieve a minimum of 10-15% affordability from the private sector with City cost participation to reach the 25% affordability goal
- An affordable housing strategy to reach the goal that includes: Council approval of fees-in-lieu where fees are focused back into the Station Area; prioritization of affordable housing projects in TODs for GO Bond funding; and City support for low income housing tax credit projects
- Support for a catalyst project on publicly owned land at 910 Justin Lane to provide affordable housing; staff to examine costs and impacts of replacing buildings and relocating services, availability of space at other sites, and potential funding sources and report back to Council (5-acre site owned by AE and will require relocation of existing services before redevelopment can occur).

E. Compatibility standards with new wording from Council Member Morrison:

- Current capability standards would apply for all properties in the TOD
- One can waive compatibility by adhering to the affordability standards outlined by the bonus guidelines
- Compatibility should not be waived within 100 feet of the TOD boundary, except if a development meets the affordability standards outlined by the height bonus guidelines and owners of at least 66% of triggering property, both adjacent and within 25 feet, agree to the waiver.
- All affordable housing fee-in-lieu requests must be approved by the City Council.

F. Funding options

- Hiring a consultant to prepare a financial feasibility study to assess viability of a TIF in addition to evaluating other funding tools.

Staff was directed to prepare a resolution directing staff to prepare for a code amendment on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The amendments to the TOD Ordinance would remove the provision which states that compatibility standards are not triggered by single family properties inside the TOD once a Station Area Plan is adopted.

63. NPA-2008-0017.01 - Crestview/Wooten Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 040401-Z-2, the Crestview/Wooten Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Lamar Blvd./Justin Lane Station Area Plan and change the land use designation on the future land use map for all properties within the Crestview/Wooten Combined Neighborhood Planning Area that overlap the

Lamar Blvd./Justin Lane Station Area to Transit Oriented Development (TOD). First reading approved on April 24, 2008. Vote: 6-0 (McCracken off the dais). Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance for a plan amendment to the Crestview/Wooten Combined Neighborhood Plan to include the Lamar/Justin Station area Plan and change the future land use map to "TOD" for properties in the Station Area was approved on Mayor Pro Tem McCracken's motion, Mayor Wynn's second on a 7-0 vote.

64. NPA-2008-0018.01 - Brentwood/Highland Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 040513-30, the Brentwood/Highland Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Lamar Blvd./Justin Lane Station Area Plan and change the land use designation on the future land use map for all properties within the Brentwood/Highland Combined Neighborhood Planning Area that overlap the Lamar Blvd./Justin Lane Station Area to Transit Oriented Development (TOD). First reading approved on April 24, 2008. Vote: 6-0 (McCracken off the dais.) Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance for a plan amendment to the Brentwood/Highland combined Neighborhood Plan to include the Lamar/Justin Station Area Plan and change the future land use map to "TOD" for properties in the Station Area was approved on Mayor Pro Tem McCracken's motion, Mayor Wynn's second on a 7-0 vote.

65. C14-2008-0031 - MLK Jr. Blvd. Station Area Plan - Approve second/third readings of an ordinance adopting the MLK Jr. Blvd. Station Area Plan and transit oriented development (TOD) district zoning for all properties within the boundaries of the MLK Jr. Blvd. Station Area, generally bounded by Boggy Creek on the north and east; the Northwest and Austin Railroad on the east; East 12th Street on the south; and Ulit Avenue, Miriam Avenue, Alexander Avenue, and Randolph Road on the west, including select properties at the intersections of MLK Jr. Blvd. with Airport Blvd. and Manor Rd. with Airport Blvd. First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694. A valid petition has been filed in opposition to this rezoning request for the property located at 2900 Manor Road.

The alternative compliance language was postponed until December 11, 2008.

The second reading of the ordinance to adopt the station area plan and transit oriented development (TOD) district zoning, with the following major elements, was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

The elements were as follows:

A. Zoning, development bonuses, and urban design regulations

- A regulating plan that establishes site development and urban design standards for properties within the TOD

B. Infrastructure

- A recommendation to implement short-term drainage improvements and water/wastewater upgrades in and around the TOD
- A recommendation to utilize traffic calming on new public connector streets in the TOD and annually monitor traffic patterns around the TOD.

C. Parks and open space

- A park acquisition strategy that supports the provision of on-site land dedication as properties in the TOD redevelop, the use of fees-in-lieu to construct park facilities and/or acquire parkland, and proactively engaging in parkland acquisition (the AE site is a prime candidate for both open space and affordable housing when redeveloped). Council Member McCracken's motion added these elements:

- The parkland dedication fee must be spent within the Station Area Plan unless staff seeks a Council waiver;
- The parkland and trail acquisition plan must be prepared before the third reading;
- At least one park in the Station Area Plan must have family and children's amenities such as playscapes and these should be included in the trail and parkland acquisition plan.

D. Affordable housing and development bonuses

- A development bonus strategy intended to achieve a minimum of 10-15% affordability from the private sector with City cost participation to reach the 25% affordability goal
- An affordable housing strategy to reach the goal that includes: Council approval of fees-in-lieu where fees are focused back into the Station Area; prioritization of affordable housing projects in TODs for GO Bond funding; and City support for low income housing tax credit projects

E. Compatibility standards with new wording from Council Member Morrison:

- Current capability standards would apply for all properties in the TOD
- One can wave compatibility by adhering to the affordability standards outlined by the bonus guidelines
- Compatibility should not be waived within 100 feet of the TOD boundary, except if a development meets the affordability standards outlined by the height bonus guidelines and owners of at least 66% of triggering property, both adjacent and within 25 feet, agree to the waiver.
- All affordable housing fee-in-lieu requests must be approved by the City Council.

F. Funding options

- Hiring a consultant to prepare a financial feasibility study to assess viability of a TIF in addition to evaluating other funding tools.

The motion to have the same compatibility standards for 2900 Manor Road as above, apply a TOD Mixed Use subdistrict to the property, and limit height to 40 feet in the area within 100 feet of the single family homes on Randolph was approved on Council Member Cole's motion, Mayor Pro Tem McCracken's second on a 7-0 vote. A friendly amendment was made by Council Member Martinez to keep public hearing open during third reading, which was accepted by Council Member Cole and Mayor Pro Tem McCracken who seconded the motion.

Staff was directed to prepare a resolution for a code amendment on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. The amendments to the TOD Ordinance in the LDC would allow the height bonus strategy proposed in the MLK and Plaza Saltillo Station Area Plans. The TOD Ordinance currently requires 25% affordability for projects in the CP&R Zone if height is increased. The amendment would permit height increases (in accord with the proposed development bonuses in the Station Area Plans) with less than a 25% affordability requirement if the City is unable to finance the gap to reach the TOD Ordinance affordability goal (with the developer still required to provide 15% affordability).

66. NPA-2008-0003.01 - Chestnut Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 990715-113, the Chestnut Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Chestnut Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance to approve plan amendments to the Chestnut Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Mayor Pro Tem McCracken’s motion, Mayor Wynn’s second on a 7-0 vote.

67. NPA-2008-0008.01 - Rosewood Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 011129-67, the Rosewood Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Rosewood Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance to approve plan amendments to the Rosewood Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Mayor Pro Tem McCracken’s motion, Mayor Wynn’s second on a 7-0 vote.

68. NPA-2008-0012.01 - Upper Boggy Creek Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 020801-91, the Upper Boggy Creek Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the Upper Boggy Creek Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance to approve plan amendments to the Upper Boggy Creek Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Mayor Pro Tem McCracken’s motion, Mayor Wynn’s second on a 7-0 vote.

69. NPA-2008-0015.01 - East MLK Combined Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 021107-Z-11, the East MLK Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the MLK Jr. Blvd. Station Area Plan and change the land use designation on the future land use map for all properties within the MLK Neighborhood Planning Area that overlap the MLK Jr. Blvd. Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance to approve plan amendments to the East MLK Combined Neighborhood Plan to include the MLK Station Area Plan and change the future land use map to “TOD” for properties in the Station Area was approved on Mayor Pro Tem McCracken’s motion, Mayor Wynn’s second on a 7-0 vote.

70. C14-2008-0029 - Plaza Saltillo Station Area Plan - Approve second/third readings of an ordinance adopting the Plaza Saltillo Station Area Plan and TOD base district zoning for all properties within the boundaries of the Plaza Saltillo Station Area, generally bounded by E. 7th Street and the E. 7th Street alley on the north; the east side of Chicon Street on the east; E. 3rd Street, the alley between E. 3rd and 4th Streets, and E. 4th Street on the south; and the northbound frontage road of IH-35 on the west. First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.

The second reading of the ordinance to adopt the station area plan and transit oriented development (TOD) district zoning, with the following major elements and a friendly amendment,

was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.

The friendly amendment by Council Member Martinez to add the list of historic properties provided by staff and if a demolition permit is requested for any property on the list, it would be required to go before the Historic Commission for review. This was accepted by the maker of the motion and Mayor Pro Tem McCracken who seconded the motion.

The elements were as follows:

A. Zoning, development bonuses, and urban design regulations

- A regulating plan that establishes site development and urban design standards for properties within the TOD

B. Infrastructure

- A recommendation to implement short-term drainage improvements and water/wastewater upgrades in and around the TOD
- A recommendation to utilize traffic calming on new public connector streets in the TOD and annually monitor traffic patterns around the TOD.
- A recommendation to coordinate the design and construction of an off-street Lance Armstrong Bikeway facility with future rail relocation plans (bicycle bond funding would be identified to implement).

C. Parks and open space

- A park acquisition strategy that supports the provision of on-site land dedication as properties in the TOD redevelop, the use of fees-in-lieu to construct park facilities and/or acquire parkland, and proactively engaging in parkland acquisition (the AE site is a prime candidate for both open space and affordable housing when redeveloped). Council Member McCracken's motion added these elements:
 - The parkland dedication fee must be spent within the Station Area Plan unless staff seeks a Council waiver;
 - The parkland and trail acquisition plan must be prepared before the third reading;
 - At least one park in the Station Area Plan must have family and children's amenities such as playscapes and these should be included in the trail and parkland acquisition plan.

D. Affordable housing and development bonuses

- A development bonus strategy intended to achieve a minimum of 10-15% affordability from the private sector with City cost participation to reach the 25% affordability goal
- An affordable housing strategy to reach the goal that includes: Council approval of fees-in-lieu where fees are focused back into the Station Area; prioritization of affordable housing projects in TODs for GO Bond funding; and City support for low income housing tax credit projects

E. Compatibility standards with new wording from Council Member Morrison:

- Current capability standards would apply for all properties in the TOD
- One can wave compatibility by adhering to the affordability standards outlined by the bonus guidelines
- Compatibility should not be waived within 100 feet of the TOD boundary, except if a development meets the affordability standards outlined by the height bonus guidelines and owners of at least 66% of triggering property, both adjacent and within 25 feet, agree to the waiver.
- All affordable housing fee-in-lieu requests must be approved by the City Council.

F. Funding options

- Hiring a consultant to prepare a financial feasibility study to assess viability of a TIF in addition to evaluating other funding tools.

Staff was directed to prepare a resolution for a code amendment on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote. The code amendments would amend the TOD Ordinance to allow the height bonuses proposed in the Plaza Saltillo Station Area Plan. The Plan proposes a height bonus on the 11-acre Capital Metro property and a select number of properties around the station. The amendment would eliminate the provision that prohibits height increases in the TOD apart from on the Capital Metro Property.

71. NPA-2008-0002.01 - East Cesar Chavez Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 990513-70, the East Cesar Chavez Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the East Cesar Chavez Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit Oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: city of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
The second reading of the ordinance to approve plan amendments to the East Cesar Chavez Neighborhood Plan to include the Plaza Saltillo Station Area Plan and change the future land use map to "TOD" for properties in the Station Area was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
72. NPA-2008-0009.01 - Central East Austin Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the Central East Austin Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
The second reading of the ordinance to approve plan amendments to the Central East Austin Neighborhood Plan to include the Plaza Saltillo Station Area Plan and change the future land use map to "TOD" for properties in the Station Area was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
73. NPA-2008-0010.01 - Holly Neighborhood Plan Amendment - Approve second/third readings of an ordinance amending Ordinance No. 011213-43, the Holly Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to include the Plaza Saltillo Station Area Plan and change the land use designation on the future land use map for all properties within the Holly Neighborhood Planning Area that overlap the Plaza Saltillo Station Area to transit oriented development (TOD). First reading approved on April 10, 2008. Vote: 7-0. Applicant: City of Austin, Neighborhood Planning and Zoning Department. City Staff: Sonya Lopez, 974-7694.
The second reading of the ordinance to approve plan amendments to the Holly Neighborhood Plan to include the Plaza Saltillo Station Area Plan and change the future land use map to "TOD" for properties in the Station Area was approved on Council Member Morrison's motion, Mayor Pro Tem McCracken's second on a 7-0 vote.
- 90 PH. C14H-2008-0019 - Blondie Pharr House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 Highland Avenue (Shoal Creek Watershed) from multi-family residence-moderate-high density-neighborhood plan (MF-4-NP) combining district zoning to multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Staff Recommendation: To grant multi-

family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning; or in the alternative, to require HABS Level II documentation of the structure prior to demolition. Historic Landmark Commission recommendation: To grant multi-family residence-moderate-high density-historic landmark- neighborhood plan (MF-4-H-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

The public hearing was held open and the first reading of the ordinance for multi-family residence-moderate-high density-historic landmark-neighborhood plan (MF-4-H-NP) combining district zoning was approved on Council Member Morrison's motion, Council Member Cole's second on a 7-0 vote.

- 89 PH. C14-2008-0150 - 808 Nueces - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 808 Nueces Street (Shoal Creek Watershed) from general office (GO) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Stephen Adler. Agent: Holford Group (Charles Dunn). City Staff: Clark Patterson, 974-7691.

This item was postponed to December 11, 2008 on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

75. NPA-2008-0016.01 - Govalle/Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Ordinance Nos. 030327-12, the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Austin Comprehensive Plan, to change the land use designation on the Future Land Use Map from commercial and office to mixed use and mixed use/office on selected tracts within the Vertical Mixed Use Overlay district within the area bounded by the Austin and Northwestern Railroad on the north; U.S. 183 on the east; the Colorado River on the south, and Pleasant Valley Road and Webberville Road on the west (East Boggy Creek, Tannehill Creek, Colorado River and Fort Branch watersheds). First reading approved on August 21, 2008. Vote: 6-1 (Morrison-nay). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

The second reading of the ordinance to change the land use designation on the future land use map to mixed use land use designation for tracts 3, 4, 6B, 9A, 10, 11, 13, 14A, 14B, and 15 and mixed use/office land use designation for tract 5 was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote.

76. C14-2007-0259 - Govalle/Johnston Terrace Combined Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Govalle/Johnston Terrace Combined Neighborhood Planning Area, bounded by Pleasant Valley and Webberville Roads on the west; Oak Springs, Airport Boulevard, and the Austin Northwestern Railroad on the north; U.S. 183 on the east; and the Colorado River on the south (East Boggy Creek, Tannehill Creek, Colorado River and Fort Branch watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties within the Govalle/Johnston Terrace Combined Neighborhood Planning Area from the overlay district. First reading

approved on August 21, 2008. Vote 6-1 (Morrison-nay). Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.

The second reading of the ordinance as follows was approved on Council Member Martinez' motion, Council Member Leffingwell's second on a 7-0 vote. The ordinance includes: amending the boundaries of the VMU Overlay District to exclude tracts 1, 2A, 2B, 6A, 7, 8 and 12; approve vertical mixed use building (V) zoning with parking reduction and additional uses in Office Districts to tracts 3, 4, 5, 6B, 9A, 10, 11, 13, 14A, 14B and 15; and approve an affordability level of 60% of the median family income for 10% of the rental units in a vertical mixed use building.

- 87 PH. C14-2008-0148 - 1410 West Ben White - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1410 West Ben White Blvd. (West Bouldin Creek Watershed) from community commercial (GR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services (CS) district zoning. Applicant: Cothron Partnership No. 2 LTD. (Olen Cothron). Agent: The Austin Company (Peter Von Wupperfeld). City Staff: Stephen Rye, 974-7605.

The public hearing was closed and the first reading of the ordinance for general commercial services-conditional overlay (CS-CO) combining district zoning with the following prohibited uses was approved on Council Member Morrison's motion, Council Member Leffingwell's second on a 7-0 vote. The conditional overlay set a trip limitation of 2,000 trips per day. The prohibited uses are as follows: Agricultural, bail bond services, campground, carriage stable, commercial blood plasma center, consumer convenience services, drop-off recycling, funeral services, hotel-motel, kennels, marina, monument retail sales, pawn shop services, scrap and salvage services, service station, stable, automotive sales, automotive washing, cocktail lounge, exterminating services, outdoor entertainment, outdoor sports and recreation, restaurant (general) and veterinary services.

- 88 PH. C14-2008-0052- TJG - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9609 Swanson's Ranch Road (Slaughter Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To deny general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning with conditions. Applicant: T.J. Greaney. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to November 20, 2008 on Council Member Leffingwell's motion, Council Member Martinez' second on a 7-0 vote.

- 91 PH. C14T-03-0001.01 - Pioneer Hill TND Amendment #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Dessau Road (Walnut Creek Watershed) from traditional neighborhood district (TND) district zoning to traditional neighborhood district (TND) district zoning to change a condition of zoning. Staff Recommendation: To grant traditional neighborhood district (TND) district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant traditional neighborhood district (TND) district zoning to change a condition of zoning. Applicant: Estate of Fred Morse (Scott Morse); Continental Homes of Texas (Richard N. Maier). Agent: D.R. Horton (Kate Forbes). City Staff: Robert Heil, 974-2330.

The public hearing was left open and the first reading of the ordinance for traditional neighborhood district (TND) district zoning to change a condition of zoning and including the following agreement, was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote. Staff was directed to study the traffic flow patterns in this development

and the adjacent neighborhoods and come back to Council with recommendations. The agreement was that a portion of the land be designated as a Manor school site until August 1, 2012 and if the property is not utilized as a civic use by then, it could revert to a residential use and parkland use per the applicant's original request.

- 92 PH. NPA-2007-0009.03 - Petty Property - Conduct a public hearing and approve an ordinance amending Ordinance 011213-41, the Central East Austin Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to establish mixed use land use designation on the future land use map (FLUM) for the properties located at 908 E. 15th Street (Tract 1); 807 E. 16th Street (Tract 2); and 1506 Waller Street (Tract 3). Staff Recommendation: To approve single family land use designation for 908 E. 15th Street (Tract 1); and neighborhood mixed use land use designation for 807 E. 16th Street (Tract 2) and 1506 Waller Street (Tract 3). Planning Commission Recommendation: To deny mixed use land use designation for 908 E. 15th Street (Tract 1); 807 E. 16th Street (Tract 2); and 1506 Waller Street (Tract 3). Applicant and Agent: Stahl, Bernal & Davies, L.L.P. (Alison Gardner). City Staff: Minal Bhakta, 974-6453. **The motion to deny the ordinance was approved on Council Member Leffingwell's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.**

- 93 PH. C14-2008-0166 - Petty Property - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 908 E. 15th Street, 807 E. 16th Street, and 1506 Waller Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning (Tract 1) to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 2-3. Staff Recommendation: To grant family residence-neighborhood plan (SF-3-NP) combining district zoning for Tract 1; and neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning for Tracts 2-3. Planning Commission Recommendation: To deny community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning. Applicant: Stephen Petty. Agent: Stahl, Bernal & Davies, L.L.P. (Alison Gardner). City Staff: Robert Heil, 974-2330. A valid petition has been filed in opposition to this rezoning request. **The motion to deny the ordinance was approved on Council Member Leffingwell's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was off the dais.**

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Shade's motion, Council Member Morrison's second on a 7-0 vote.

- 94 PH. NP-2008-0025- Oak Hill Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the Oak Hill Combined Neighborhood Plan, generally bounded by Southwest Parkway to the north, Barton Creek Greenbelt to the east, FM 1826, Davis Lane, Clairmont Drive, Abilene Trail, Convict Hill Rd, and Loop 1 to the south, and Thomas Springs Road, Circle Drive and West View Road to the west for tracts AE, AI, AJ, AQ, AS, AT and AU on the Future Land Use Map. Watershed- Williamson Creek, Slaughter Creek, and Barton Creek - Barton Springs Zone. Staff: Maureen Meredith, 974-2695. **The motion to close the public hearing and amend on first reading the future land use map for the following tracts was approved on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.**

Tract AU (portion of property fronting US 290 W) ABS 538 Sur 619 Maston P ACR 9.803 to Neighborhood Mixed Use Land Use.

Tract AJ, rear west portion of property approximately 700 feet from US Highway 290 ABS 538 Sur 619 Maston P ACR 30.98 to Single Family Land Use.

Tract AI, ABS 538 Sur 619 Maston P ABS 454 Sur 648* and VAR Surs Johannesen J P ACR 93.096* (1-D-1) to Large Lot Rural Single Family Land Use.

Tract AE, 6810 Beckett; 5503, 5505, 5511, 5601, 5609, 5615, 5703 Reynolds Road; 6807 Ridge Oak Road to Large Lot rural Single Family Land Use.

The amendments were as follows:

The motion to change the future land use map for Tract AS, west portion of property front Highway 290 ABS 538 Sur 619 Maston P ACR 30.98 to Neighborhood Mixed Use Land Use was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

The motion to change the future land use map for Tract AQ, rear east portion of property approximately 500 feet from US 290 W ABS 538 Sur 619 Maston P ACR 9.803 to Neighborhood Mixed Use Land Use was approved on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.

The motion to postpone action on Tract AT indefinitely with the stipulation that the owner would pay for re-notification was approved on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.

- 95 PH. C14-2008-0125 - West Oak Hill Combined Neighborhood Planning Area Rezoning - Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the Austin City Code by zoning and rezoning tracts 3, 4 and 6 located within an area bounded by Southwest Parkway to the north, West William Cannon Drive to the east, F.M. 1826, Davis Lane, Clairmont Drive, Abilene Trail, and Convict Hill Road to the south, and Thomas Springs Road, Circle Drive and West View Road to the west (6,155.03 acres). Watershed: Williamson Creek, Slaughter Creek, and Barton Creek- Barton Springs Zone. The proposed zoning change will create the West Oak Hill Neighborhood Plan Combining District (NPCD) and implement the land use recommendations of the Oak Hill Combined Neighborhood Plan for a total of 3 tracts. The City Council may approve a zoning change to any of the following districts: Rural Residence (RR); Single-Family Residence - Large Lot (SF-1); Single-Family Residence-Standard Lot (SF-2); Family Residence (SF-3); Single-Family - Small Lot & Condominium Site (SF-4A/B); Urban Family Residence (SF-5); Townhouse & Condominium Residence (SF-6); Multi-Family Residence - Limited Density (MF-1); Multi-Family Residence - Low Density (MF-2); Multi-Family Residence - Medium Density (MF-3); Multi-Family Residence - Moderate-High Density (MF-4); Multi-Family Residence - High Density (MF-5); Multi-Family Residence - Highest Density (MF-6); Mobile Home Residence (MH); Neighborhood Office (NO); Limited Office (LO); General Office (GO); Commercial Recreation (CR); Neighborhood Commercial (LR); Community Commercial (GR); Warehouse / Limited Office (W/LO); General Commercial Services (CS); Commercial-Liquor Sales (CS-1); Commercial Highway (CH); Industrial Park (IP); Major Industrial (MI); Limited Industrial Services (LI); Research and Development (R&D); Development Reserve (DR); Agricultural (AG); Planned Unit Development (PUD); Historic (H); and Public (P). A Conditional Overlay (CO), Planned Development Area Overlay (PDA), Vertical Mixed Use Building (V); Mixed Use Combining District Overlay (MU); Neighborhood Conservation Combining District (NCCD); or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff: Maureen Meredith, 974-2695.

The motion to close the public hearing and approve on first reading the rezoning of Tract 4, rear west portion of property, approximately 700 feet from US Highway 290 ABS 538 Sur 619 Maston P ACR 30.98 to SF-1-NP was approved on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.

The motion to rezone Tract 3, west portion of property fronting Highway 290 ABS 538 Sur 619 Maston P ACR 30.98, to LR-MU-NP was approved on Mayor Pro Tem McCracken's motion, Council Member Cole's second on a 7-0 vote.

The motion to postpone action on Tract 6 indefinitely with the stipulation that the owner would pay for re-notification was approved on Council Member Morrison's motion, Mayor Wynn's second on a 7-0 vote.

Mayor Wynn adjourned the meeting at 10:15 p.m. without objection.

The minutes for the Regular meeting of November 6, 2008 were approved on this the 20th day of November 2008 on Council Member Martinez' motion, Council Member Leffingwell's second on a 6-0 vote. Mayor Pro Tem McCracken was absent.